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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,584	07/12/2000	Satoru Okada	018987-029	2307
21839	7590	08/24/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			DANG, DUY M	
POST OFFICE BOX 1404			ART UNIT	
ALEXANDRIA, VA 22313-1404			PAPER NUMBER	
			2621	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/614,584	Applicant(s) OKADA, SATORU	
	Examiner Duy M Dang	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8, and 10-14 is/are allowed.
- 6) ☒ Claim(s) 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Applicant's amendment filed 6/14/04 has been entered and made of record.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Koba (US Patent No. 6,222,947).

Regarding claim 16, Koba teaches an image processing apparatus (i.e., the “image editing apparatus” generally shown in figures 1-2 and mentioned in col. 1 lines 5-13) comprising:

an image processor for combining a first image and a second image [see col. 1 lines 5-14.

Note that the image editing apparatus for combining images and virtual sheet and outputting a resultant sheet image shown in figure 5F. The “virtual sheet” (pages 1-6 in figure 5F) and “image” (images 1-18 in figure 5F) refer to the so called “first image” and “second image” respectively];

an attribute information obtaining unit for obtaining attribute information that is appended to the first image [i.e., the “automatic layout means 31” of figure 3, “determine layout pattern of page” (step S106) in figure 2, and “determine parameters for each page” (step S206 of figure 4) corresponding to the so called “attribute information obtaining unit” and the “layout pattern of page” corresponds to the so called “attribute information that is appended to the first

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image”], the attribute information including suitable size information for the second image to be combined with the first image [see figure 5F. For example, page 1 has a suitable size information for three images 1-3, and page 2 has a suitable size information for four images 4-7];

a size information obtaining unit for obtaining original size information showing an original size of the second image [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2), and image analysis means for detecting size information of each image mentioned in col. 5 lines 42-44];

a size adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information [see image 5 of figure 5C (note that image 5 is reduced in order to fit in second page according to col. 6 lines 59-64. Also see col. 6 lines 59 to col. 7 line 3 in combination with figure 5C (this cited portion refer to that the image size is changed to reduce the excessive blank space which is a background)].

Regarding claim 17, it is noted that this claim is a method claim reciting similar features called for in claim 16. Thus, claim 17 is also rejected for the same reasons as set forth in claim 16 above.

Allowable Subject Matter

4. Claims 1, 3-8, and 10-14 are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 8, and 14, the cited prior art (Koba) fails to teach or suggest the features of “ wherein the attribute information shows a post-adjustment size to be used for the

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adjustable images and the size adjusting unit makes the sizes of the at least one adjustable image approximately equal to the post-adjustment size shown by the attribute information”.

Dependent claims 3-5, and 10-13 are also allowable for the same reasons as above.

Regarding claim 6, the cited prior art (Koba) fails to teach or suggest the features recited on lines 19-29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

7. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive.

In reply to Applicant's argument that “Koda does not disclose reducing size of an inputted image based on suitable size information of a second image appended to a first image” as stated in page 3 second full paragraph, it is noted that the features upon which applicant relies (i.e., reducing size of an inputted image based on suitable size information of a second image appended to a first image) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

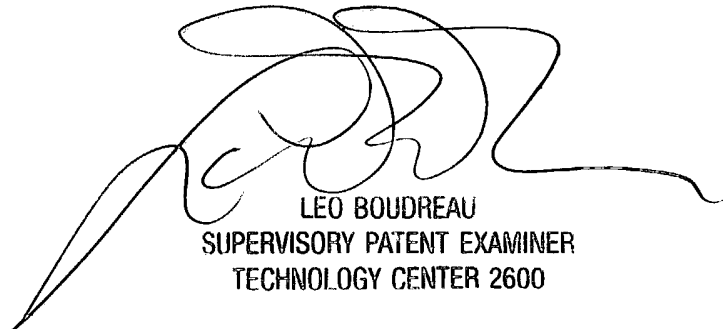
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Thursday from 6:30AM to 5:00PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



dmd
8/11/04


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